IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 346 of 2006
in
L.P.A. St.No.27161 of 2006
with
L.P.A.St.No.27161 of 2006

Shri Murlidhar Vasudev Phadke ..Applicant

vs.

The Commissioner
Solapur Municipal Corporation ...Respondent

Shri Ashok Tajane i/b Shri G.S.Godbole for appellant.
Shri Vinit Naik for respondent.

CORAM: S.B.MHASE &
Smt.NISHITA MAHTRE JJ.
13th February, 2007

P.C.

1. Heard.

2. By order dated 24th January, 1981 two increments of the applicant were stopped by the respondent. That order was challenged by filing Reg.Civil Suit No.151 of 1985. The said suit was dismissed by order dated 7th April, 1989. As against that order the first appeal was preferred before the District Court being First Appeal no.549 of 1989. That appeal was dismissed on merit on 9th April, 1992. It is to be noted that the suit and appeal were dismissed on merit and not on technical ground of jurisdiction. Thereafter

the applicant carried certain correspondence with the respondent inrespect of the said impugned orders and then approached the Industrial Court by filing ULP complaint. That ULP complaint was delayed and,therefore, Misc.Application (ULP) No.12 of 1994 was filed for condonation of delay. That application was rejected by the Industrial Court, Solapur by order dated 18th August, 2001. Being aggrieved by that order writ petition No.7969 of 2005 was filed. The said writ petition was disposed of by order dated 10th April, 2006, having found that the delay application has been rightly rejected by the Member, Industrial Court. The facts as disclosed above are sufficiently eloquent to disclose that the basic proceedings before the Industrial Court under the MRTU and PULP Act were not tenable because the earlier litigation which was carried out by the applicant in the civil court has been disposed of on merit and not for want of jurisdiction. Apart from that even assuming for a moment that the Industrial Court was having any jurisdiction yet the first appeal was disposed of by the civil court in the year 1992 and thereafter after the priod of two years the applicant has approached to the Industrial

Courtl by filing Misc.Application (ULP) No.12 of 1994. That two years period has not been explained by any cogent and sufficient cause. Therefore, what we find that the orders passed by the Industrial Court and the learned single Judge of this Court are just and proper. There is no substance and merit in the matter. Civil application as also the L.P.A. stand rejected.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**